

REMARKS

Claims 1-14 and 16-51 are currently pending in the application. In the Office Action dated October 28, 2008, claims 1-14 and 16-51 were rejected. By this Amendment, no claims have been amended. No new matter has been added.

Response to Office Action

Claims 1-14 and 16-51 are pending in the application. All pending claims have been rejected under 35 USC 103(a) as being unpatentable over Anderson (USP 6,442,600) in view of Smith et al. (USP 6,282,564).

The Anderson reference was filed on January 15, 1999 and was issued on August 27, 2002. Therefore, this reference is being cited as 102(c) art and is thus eligible to be overcome based upon an affidavit or declaration from an inventor pursuant to 37 CFR 1.131. See MPEP Section 715.

A Declaration pursuant to 37 CFR 1.131 was previously submitted on June 26, 2007 stated that the invention was conceived and reduced to practice prior to the date(s) of the cited references. The Office Action asserted that the Declaration was insufficient for only allegedly that the bugs in the test scripts demonstrate the incompleteness of the invention.

Without acquiescence in the conclusion of the Office Action, and to expedite allowance, Applicants hereby submit a revised 37 CFR 1.131 Declaration which include additional statements and which specifically show that the claimed invention actually existed and worked for its intended purpose prior to the date of the cited Anderson reference. The Declaration explicitly describes facts which show that the claimed subject matter successfully worked for its intended purpose and the mention of the bugs are actually bug fixes and are unrelated to the claimed subject matter. Thus, the subject matter of the application was conceived and reduced to practice prior to the date of the Anderson reference.

For at least this reason, it is respectfully submitted that Anderson cannot be used to anticipate or render obvious the claimed subject matter. Therefore, the combination of Anderson and Smith cannot be used to render the pending claims obvious. Moreover, it is respectfully noted that Applicants do not acquiesce in the basis of the rejection, e.g., because even if a

combination is made, the resulting combination does not include all elements of the claimed invention.

CONCLUSION

Based on the foregoing, all claims are believed allowable, and an allowance of the claims is respectfully requested. If the Examiner has any questions or comments, the Examiner is respectfully requested to contact the undersigned at the number listed below.

To the extent that any arguments and disclaimers were presented to distinguish prior art, or for other reasons substantially related to patentability, during the prosecution of any and all parent and related application(s)/patent(s), Applicant(s) hereby explicitly retracts and rescinds any and all such arguments and disclaimers, and respectfully requests that the Examiner re-visit the prior art that such arguments and disclaimers were made to avoid.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Vista IP Law Group's Deposit Account No. 50-1105, referencing billing number OID-1998-15-01. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Vista IP Law Group's Deposit Account No. 50-1105, referencing billing number OID-1998-15-01.

Respectfully submitted,

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